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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2005-2495

STEPHANIE MARIE ONKEN
160 S. Eucalyptus Avenue, #31
Rialto, CA 92376
Vocational Nurse License No. VN 202152

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about December 19, 2002, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 202152 to Stephanie Marie Onken (Respondent). The Vocational Nurse License will expire on September 30, 2012, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118(b) provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

6. Section 2878 states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter.

....

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

7. Section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the

1 extent that the use impairs his or her ability to conduct with safety to the public the practice
2 authorized by his or her license.

3

4 8. Section 490 provides, in pertinent part, that the Board may suspend or revoke a
5 license when it finds that the licensee has been convicted of a crime substantially related to the
6 qualifications, functions or duties of a licensed vocational nurse.

7 9. Section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Conviction of Crime)

13 10. Respondent is subject to disciplinary action under sections 2878, subdivisions (a), (d),
14 and (f), 2878.5, subdivision (c), and 490 in that on or around January 27, 2009, she was convicted
15 by the Superior Court of California for the County of San Bernardino of one misdemeanor count
16 of violating Health and Safety Code section 11364 in a case entitled *People of the State of*
17 *California v. Stephanie Marie Onken*, Case No. MSB900125. The circumstances are on or
18 around November 21, 2008, Respondent was found to be in possession of drug paraphernalia.

19 SECOND CAUSE FOR DISCIPLINE

20 (Illegal Use of Controlled Substance)

21 11. Respondent is subject to disciplinary action under section 2878, subdivisions (a) and
22 (d) as well as 2878.5, subdivision (b) in that on or around April 24, 2006, Respondent was
23 determined to be under the influence of a controlled substance (Methamphetamine) in violation of
24 Health and Safety Code section 11550, subdivision (a).

25 DISCIPLINE CONSIDERATIONS

26 12. To determine the degree of discipline, if any, to be imposed on Respondent,
27 Complainant alleges that on or about June 25, 2002, Respondent was convicted by the Superior
28 Court of California for the County of San Bernardino of one misdemeanor count of violating

1 Penal Code section 415 (Disturbing the Peace) in a criminal proceeding entitled *The People of the*
2 *State of California v. Stephanie Marie Onken*, Case No. MVA037185. The circumstances
3 underlying the conviction are that Respondent repeatedly struck the manager of a retail store
4 following the manager's attempt to retrieve a stolen dress.

5 PRAYER

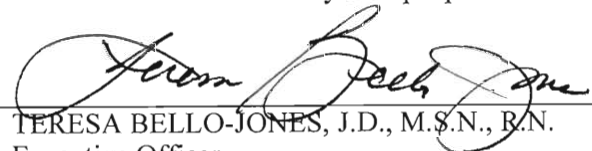
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
8 issue a decision:

9 1. Revoking or suspending Vocational Nurse License Number VN 202152, issued to
10 Stephanie Marie Onken;

11 2. Ordering Stephanie Marie Onken to pay the Board of Vocational Nursing and
12 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
13 pursuant to Business and Professions Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: April 7, 2011

16 

17 TERESA BELLO-JONES, J.D., M.S.N., R.N.
18 Executive Officer
19 Board of Vocational Nursing and Psychiatric Technicians
20 Department of Consumer Affairs
21 State of California
22 Complainant

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